IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Benjamin Ray Nabors,) C/A No. 0:12-cv-3301 DCN
Plaintiff,)
vs.	ORDER
Deputy Timmons; Deputy Garrison; Sgt. Kurta; Investigator R. Plaxico, I.D. #2022 Investigator LCSD; Sheriff Ricky Chastain, LCSD; Lt. Brian K. Bridges, LCSD Narcotics Officer; Sgt. Justin R. Moody, LCSD Narcotics Officer; Major Hudson, LCDC; Lt. Linda Sullivan, LCDC, Judge W. Copeland, Laurens County Magistrates Offices, Laurens County; Lt. Mareno Foggie, LCSD Investigator; LCSD Deputy Jamie Lee Edwards; Cpt. Stephan Williams, LCSD Capt. Over Narcotics Officers LCSD; Deputy Matthew A. Veal; Deputy Rhodes; Lt. Marty Crain; Cpt. Michael Coats, LCSD; Attorney Caroline Horlbeck of Greenville Bar SC; Laurens County SC; Alex Stalvey, Attorney at Law SC Bar #71739; Yates Brown, Jr., SC Bar #78607; Jerry W. Peace, 8th Circuit Solicitor's Office Greenwood, SC, Paul Page, LCSD Narcotics Officer; Sgt. John Bragg, LCDC; South Carolina State Law Enforcement Division, Laurens Counties Office Branch Director Capt. SLED; S.C. Attorney General Salley W. Elliott, Assistant Deputy Attorney General; Ms. Elizabeth Wiygul, SC Bar #70785; Mr. L. Craine, P.P. of L.C.L.; Bill Mayor, Attorney, S.C. Bar; Chip Howell, Attorney, S.C. Bar; Mike Turner, Jr., Attorney S.C. Bar,))))))
Defendants.)

The above referenced case is before this court upon the magistrate judge's recommenda-

tion that plaintiff's complaint be summarily dismissed without prejudice and without issuance and service of process.

This court is charged with conducting a <u>de novo</u> review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. <u>Thomas v Arn</u>, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. <u>United States v. Schronce</u>, 727 F.2d 91 (4th Cir. 1984), <u>cert. denied</u>, 467 U.S. 1208 (1984). Objections to the magistrate judge's report and recommendation were timely filed on March 12, 2013.

A <u>de novo</u> review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's Report and Recommendation is **AFFIRMED**, and this action is **DISMISSED** without prejudice and without issuance and service of process.

IT IS FURTHER ORDERED that plaintiff's Motions to Amend Complaint and Motion for Extension of Time are **DENIED**.

¹In <u>Wright v. Collins</u>, 766 F.2d 841 (4th Cir. 1985), the court held "that a <u>pro se</u> litigant must receive fair notification of the <u>consequences</u> of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required." <u>Id.</u> at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the <u>consequences</u> at the appellate level of his failure to object to the magistrate judge's report.

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AND IT IS SO ORDERED.

David C. Norton

United States District Judge

March 25, 2013 Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure